

88TH CONGRESS
2D SESSION

H. R. 12259

IN THE HOUSE OF REPRESENTATIVES

AUGUST 5, 1964

Mr. FASCELL introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the International Claims Settlement Act of 1949 to provide for the determination of the amounts of claims of nationals of the United States against the Government of Cuba.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the International Claims Settlement Act of 1949 is
4 amended by adding at the end thereof the following new
5 title:

6 "TITLE V

7 "PURPOSE OF TITLE

8 "SEC. 501. It is the purpose of this title to provide for
9 the determination of the amount and validity of claims

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1 against the Government of Cuba which have arisen since
2 January 1, 1959, out of nationalization, expropriation, inter-
3 vention, or other takings of, or special measures directed
4 against, property of nationals of the United States, and
5 claims for disability or death of nationals of the United States
6 arising out of violations of international law by the Govern-
7 ment of Cuba, in order to obtain information concerning the
8 total amount of such claims against the Government of Cuba
9 on behalf of nationals of the United States.

10 "DEFINITIONS

11 "SEC. 502. For the purposes of this title:

12 "(1) The term 'national of the United States' means
13 (A) a natural person who is a citizen of the United States,
14 or (B) a corporation or other legal entity which is organized
15 under the laws of the United States, or of any State, the
16 District of Columbia, or the Commonwealth of Puerto Rico,
17 if natural persons who are citizens of the United States own,
18 directly or indirectly, 50 per centum or more of the outstand-
19 ing capital stock or other beneficial interest of such corpora-
20 tion or entity. The term does not include aliens.

21 "(2) The term 'Commission' means the Foreign Claims
22 Settlement Commission of the United States.

23 "(3) The term 'property' means any property, right, or
24 interest, including any leasehold interest, and debts owed
25 by the Government of Cuba or by enterprises which have

1 been nationalized, expropriated, intervened, or taken by the
2 Government of Cuba and debts which are a charge on
3 property which has been nationalized, expropriated, inter-
4 vened, or taken by the Government of Cuba.

5 “(4) The term ‘Government of Cuba’ includes the
6 government of any political subdivision, agency, or instru-
7 mentality thereof.

8 “RECEIPT OF CLAIMS

9 “SEC. 503. (a) The Commission shall receive and de-
10 termine in accordance with applicable substantive law, in-
11 cluding international law, the amount and validity of claims
12 by nationals of the United States against the Government of
13 Cuba arising since January 1, 1959, for losses resulting from
14 the nationalization, expropriation, intervention, or other
15 taking of, or special measures directed against, property in-
16 cluding any rights or interests therein owned wholly or
17 partially, directly or indirectly at the time by nationals of
18 the United States, if such claims are submitted to the Com-
19 mission within such period specified by the Commission by
20 notice published in the Federal Register (which period shall
21 not be more than eighteen months after such publication)
22 within sixty days after the enactment of this title or of legis-
23 lation making appropriations to the Commission for payment
24 of administrative expenses incurred in carrying out its func-
25 tions under this title, whichever date is later. In making

1 the determination with respect to the validity and amount
2 of claims and value of properties, rights, or interests taken, the
3 Commission shall take into account the basis of valuation
4 most appropriate to the property and equitable to the claim-
5 ant, including but not limited to, (i) fair market value, (ii)
6 book value, (iii) going concern value, or (iv) cost of re-
7 placement.

8 “(b) The Commission shall receive and determine in ac-
9 cordance with applicable substantive law, including interna-
10 tional law, the amount and validity of claims by nationals of
11 the United States against the Government of Cuba arising
12 since January 1, 1959, for disability or death resulting from
13 actions taken by or under the authority of the Government of
14 Cuba, if such claims are submitted to the Commission within
15 the period established by the Commission under subsection
16 (a), or within six months after the date the claims first arose
17 (as determined by the Commission), whichever date last
18 occurs.

19 “OWNERSHIP OF CLAIMS

20 “SEC. 504. (a) A claim shall not be considered under
21 section 503 (a) of this title unless the property on which
22 the claim was based was owned wholly or partially, directly
23 or indirectly by a national of the United States on the date
24 of the loss and unless the claim has been held by one or

1 more nationals of the United States continuously thereafter
2 until the date of filing with the Commission.

3 “(b) A claim for disability shall not be considered
4 under section 503 (b) of this title unless filed by or on behalf
5 of the disabled person. A claim for death under such section
6 shall not be considered unless filed by or on behalf of the
7 widow or widower, child or parents of the deceased person.

8 “CORPORATE CLAIMS

9 “SEC. 505. (a) A claim under section 503 (a) of this
10 title based upon an ownership interest in any corporation,
11 association, or other entity which is a national of the United
12 States shall not be considered.

13 “(b) A claim under section 503 (a) of this title based
14 upon a direct ownership interest in a corporation, associa-
15 tion, or other entity for loss shall be considered, subject to
16 the other provisions of this title, if such corporation, associa-
17 tion, or other entity on the date of the loss was not a national
18 of the United States, without regard to the per centum of
19 ownership vested in the claimant.

20 “(c) A claim under section 503 (a) of this title based
21 upon an indirect ownership interest in a corporation, associa-
22 tion, or other entity for loss shall be considered, subject to
23 the other provisions of this title, only if at least 25 per

1 centum of the entire ownership interest thereof at the time
2 of such loss was vested in nationals of the United States.

3 “(d) The amount of any claim covered by subsection
4 (b) or (c) of this section shall be calculated on the basis
5 of the total loss suffered by such corporation, association, or
6 other entity, and shall bear the same proportion to such loss
7 as the ownership interest of the claimant at the time of loss
8 bears to the entire ownership interest thereof.

9 “OFFSETS

10 “SEC. 506. In determining the amount of any claim,
11 the Commission shall deduct all amounts the claimant has re-
12 ceived from any source on account of the same loss or losses.

13 “ACTION OF COMMISSION WITH RESPECT TO CLAIMS

14 “SEC. 507. The Commission shall certify to each in-
15 dividual who has filed a claim under this title the amount
16 determined by the Commission to be the loss or damage suf-
17 fered by the claimant which is covered by this title. The
18 Commission shall certify to the Secretary of State such
19 amount and the basic information underlying that amount.

20 “TRANSFER OF RECORDS

21 “SEC. 508. The Secretary of State shall transfer or
22 otherwise make available to the Commission such records and
23 documents relating to claims authorized by this title as may
24 be required by the Commission in carrying out its functions
25 under this title.

1 “APPLICATION OF OTHER LAWS

2 “SEC. 509. To the extent they are not inconsistent with
3 the provisions of this title, the following provisions of title I
4 of this Act shall be applicable to this title: Subsections
5 (b), (c), (d), (e), (h), and (j) of section 4; subsection
6 (f) of section 7.

7 “SETTLEMENT PERIOD

8 “SEC. 510. The Commission shall complete its affairs in
9 connection with the settlement of claims pursuant to this title
10 not later than three years following the final date for the
11 filing of claims as provided in section 503 (a) of this title or
12 following the enactment of legislation making appropriations
13 to the Commission for payment of administrative expenses
14 incurred in carrying out its functions under this title, which-
15 ever date is later.

16 “APPROPRIATIONS

17 “SEC. 511. There are hereby authorized to be appro-
18 priated such sums, not to exceed \$750,000, as may be neces-
19 sary to enable the Commission to pay its administrative
20 expenses incurred in carrying out its functions under this
21 title.

22 “SEPARABILITY

23 “SEC. 512. If any provision of this Act, or the applica-
24 tion thereof to any person or circumstances, shall be held
25 invalid, the remainder of the Act, or the application of such

1 provision to other persons or circumstances, shall not be
2 affected.”

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